

# Exhibit 1



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/700,329	11/03/2003	Marcus da Silva	MN1-0010US

38356  
BROOKS & CAMERON, PLLC  
1221 NICOLLET MALL #500  
MINNEAPOLIS, MN 55403

CONFIRMATION NO. 5147



\*OC000000021144382\*

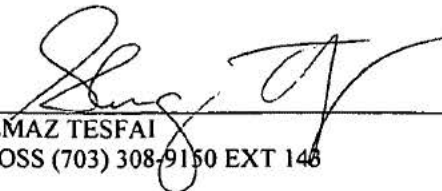
Date Mailed: 11/07/2006

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/22/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

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ALMAZ TESFAI  
PTOSS (703) 308-9150 EXT 148

OFFICE COPY

JTW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Marcus da Silva, et al.  
Serial No.: 10/700,329  
Filed: November 3, 2003

Confirmation No. 5147  
Examiner: Sheila B. Smith  
Art Unit: 2617  
Docket: 760.0060001

Title: DIRECTED WIRELESS COMMUNICATION

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items and information (as indicated with an "X"):

- ☒ Return postcard (1).
- ☒ Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (1 pg.)
- ☒ Statement Under 37 CFR 3.73(b) (1 pg.).

**\*PLEASE ASSOCIATE THIS APPLICATION WITH CUSTOMER NUMBER 38356\***

**CERTIFICATE UNDER 37 C.F.R. §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on this 16<sup>th</sup> day of October, 2006.

Alison L. Subendran  
Name  
[Signature]  
Signature

Respectfully Submitted,  
Marcus da Silva, et al.

By: BROOKS & CAMERON, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403

[Signature]  
Atty: Edward J. Brooks III  
Reg. No.: 40,925

Date: 10/16/2006



PTO/SB/82 (01-06)

Approved for use through 12/31/2008. OMB 0651-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/700,329
Filing Date	November 3, 2003
First Named Inventor	Marcus da Silva
Art Unit	2617
Examiner Name	SHEILA B SMITH
Attorney Docket Number	MN1-0010US

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

38356

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with  
Customer Number:

38356

OR

☐ Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature

Name

Gary Haycox

Date

9/15/06

Telephone

503-703-3435

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/96 (12-05)

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Vivato, Inc.Application No./Patent No./Control No.: 10/700,329Filed/Issue Date: November 3, 2003Entitled: DIRECTED WIRELESS COMMUNICATIONVivato, Inc.

(Name of Assignee)

a Corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014835, Frame 0270, or a true copy of the original assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Gary Haycox  
Signature

Gary Haycox

Printed or Typed Name

Chief Executive Officer

Title

9/15/06  
Date

Date

503-703-3435

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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09-22-'06 13:05 FROM-Brooks &amp; Cameron

# 7890

612-659-9344

T-488 P01/03 U-604

**Brooks & Cameron, PLLC***Intellectual Property Attorneys*RECEIVED  
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SEP 22 2006

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**PLEASE ACKNOWLEDGE RECEIPT BY RETURN FACSIMILE**TO: USPTO- Commissioner For Patents  
FAX: (571) 273-8300FROM: Edward J. Brooks III  
DATE: September 22, 2006

You should receive 3 pages including cover sheet

Applicant: Marcus da Silva, et al.  
Serial No.: 10/700,329  
Filed: November 2, 2003  
Confirmation No. 5147  
Title: DIRECTED WIRELESS COMMUNICATIONExaminer: Sheila B. Smith  
Art Unit: 2617  
Docket: 760 0060001Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items and information (as indicated with an "X"):

- ☒ Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (1 pg.)
- ☒ Statement Under 37 CFR 3.73(b) (1 pg.).

Customer Number 38356

**CERTIFICATE UNDER 37 C.F.R. §1.8:** The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent Office facsimile number (571) 273-8300 on September 22, 2006

Name

Signature

Respectfully Submitted,  
Marcus da Silva, et al.

By:

Edward J. Brooks III  
Attorney/Agent for Applicant  
Reg. No.: 40,925Date: 09/22/2006Phone: (612) 236-0120

Rev. 12/04

PAGE 1/3 \* RCVD AT 9/22/2006 2:03:11 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-1/11 \* DNIS:2738300 \* CSID:612 659 9344 \* DURATION (mm-ss):03-06

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09-22-'06 13:05 FROM: Brooks &amp; Cameron

# 7891

612-659-9344

T-488 P02/03 U-604

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PTO/SB/92 (9/06)

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<b>REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	10/700,329
	Filing Date	November 3, 2003
	First Named Inventor	Marcos da Silva
	Art Unit	2817
	Examiner Name	SHEILA B SMITH
	Attorney Docket Number	MNH-001615

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: 38356

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number: 38356

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature	<i>Gary Hays</i>		
Name	Gary Hays		
Date	9/15/06	Telephone	508-703-3435

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ "Total of \_\_\_\_\_ forms are submitted."

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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Vivum, Inc.Application No./Patent No./Control No.: 10/780,329Filing Date: November 2, 2003Entitled: DIRECTED WIRELESS COMMUNICATION

Vivum, Inc.

(Name of Assignee)

a Corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014835, Frame 0270, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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The undersigned (whose name is supplied below) is authorized to act on behalf of the assignee.

Dary Maycox  
Signature

Dary Maycox

Printed or Typed Name

Chief Executive Officer

Title

9/15/06

Date

509-703-3435

Telephone Number

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